IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 205 of 2007
Date of Decision. March 29,2007.

Ram Kali and another ..... Appellants

Versus

Mauji Ram and others ..Respondents

PRESENT Mr. Ashwani Talwar, Advocate
for the appellants.

CORAM HON'BLE MR. JUSTICE VINEY MITTAL

VINEY MITTAL, J (Oral)

Since the appeal filed by the present appellants before the Appellate Court was barred by limitation, therefore, they filed an application under Section 5 of the Limitation Act. The aforesaid application under Section 5 of the Limitation Act for condonation of delay was dismissed by the Appellate Court and as a consequence thereof, the appeal filed by appellants was also dismissed as barred by limitation.

In these circumstances, it is apparent that the order passed by the Appellate Court is not appealable. No second appeal is maintainable.

Faced with this situation, learned counsel for the appellants prays that the present appeal may be dismissed as withdrawn with liberty to the appellants to challenge the order passed by the Appellate Court by way of an appropriate proceedings.

Dismissed as withdrawn with liberty as prayed for.

March 29, 2007 **(VINEY MITTAL)**
mamta **JUDGE**